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EXAMINER	
BAYARD, DJENANE M	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,868	RACIBORSKI ET AL.	
	Examiner	Art Unit	
	Djenane M. Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,275,496 to Burns et al in view of U.S. Patent No. 6,591288 to Edwards et al.

a. As per claims 9 and 17, Burns et al teaches a content provider for pull based intelligent caching system. Furthermore, Burns et al determining the popularity of the content object; loading a first content object from the first origin server onto the content store without a request for the first content object and loading a second content object from the second origin server onto the content store without a request for the second content object (See col. 7, lines 45-55). However, Burns et al fails to teach waiting for a triggering event.

Edwards et al teaches a data network accelerated access system. Furthermore, Edwards et al teaches wherein the server can be arranged to update the most requested pages at regular intervals, when the user is not on line. (See col. 7, lines 6-22, the triggering event being when the user is not online).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate waiting for a triggering event as taught by Edwards in the claimed invention of Burns et al in order to update the cache with the most frequently requested pages (See col. 7, lines 6-22).

4. Claims 1-3, 8, 10-11, 16, 18, 24-27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,275,496 to Burns et al in view of U.S. Patent No. 6,591288 to Edwards et al and further in view of U.S. patent No. 6,405,240 to Tsubone et al.

a. As per claim 1, Burns et al teaches a content provider for pull based intelligent caching system. Furthermore, Burns et al teaches loading a first content object from the first origin server onto the content store without a request for the first content object and loading a second content object from the second origin server onto the content store without a request for the second content object (See col. 7, lines 45-55). However, Burns et al fails to teach waiting for a triggering event; determining if a first origin server is authorized to store content in the content store; determining if a second origin server is authorized to store content in the content store;

Edwards et al teaches a data network accelerated access system. Furthermore, Edwards et al teaches wherein the server can be arranged to update the most requested pages at regular intervals, when the user is not on line. (See col. 7, lines 6-22, the triggering event being when the user is not online).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate waiting for a triggering event as taught by Edwards in the claimed invention of Burns et al in order to update the cache with the most frequently requested pages (See col. 7, lines 6-22).

Tsubone et al teaches a data transfer method. Furthermore, Tsubone et al teaches determining if a first origin server is authorized to store content in the content store; determining if a second origin server is authorized to store content in the content store (See col. 5, lines 14-32 and col. 6, lines 32-50).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate determining if a first origin server is authorized to store content in the content store; determining if a second origin server is authorized to store content in the content store as taught by Tsubone et al in the claimed invention of Burns et al in order to verify if the data may be transferred or not 9See col. 5, lines 15-17).

b. As per claims 2 and 18, Burns et al teaches determining the popularity of the content object (See col. 7, lines 45-55).

c. As per claims 3 and 10, Burns et al teaches the claimed invention as described above. However, Burns et al fails to teach wherein the performance of the loading steps are conditioned on the waiting step.

Edwards et al teaches wherein the performance of the loading steps are conditioned on the waiting step (See col. 7, lines 7-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the performance of the loading steps are conditioned on the waiting step as taught by Edwards et al in the claimed invention of Burns et al in order to update the cache with the most frequently requested pages (See col. 7, lines 6-22).

d. As per claims 8, 16 and 24. Burns et al teaches the claimed invention as described above. However, Burns et al fails to teach wherein the waiting step comprises a step of waiting for a temporal event.

Edwards et al teaches wherein waiting for a temporal event (See col. 7, lines 7-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate waiting for a temporal event in as taught by Edwards et al in the claimed invention of Burns et al in order to update the cache with the most frequently requested pages (See col. 7, lines 6-22).

e. As per claim 11, Burns et al teaches the claimed invention as described above. However, Burns et al fails to teach wherein determining if a first origin server is authorized to store content in the content store; and determining if a second origin server is authorized to store content in the

content store.

Tsubone et al teaches a data transfer method. Furthermore, Tsubone et al teaches determining if a first origin server is authorized to store content in the content store; determining if a second origin server is authorized to store content in the content store (See col. 5, lines 14-32 and col. 6, lines 32-50).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate determining if a first origin server is authorized to store content in the content store; determining if a second origin server is authorized to store content in the content store as taught by Tsubone et al in the claimed invention of Burns et al in order to verify if the data may be transferred or not (See col. 5, lines 15-17).

f. As per claim 25, Burns et al in view of Edwards et al teaches the claimed invention as described above. Furthermore, Burns et al teaches storing a first name associated with the first origin server, first path information and a first file name with the first content object in the content store; and storing a second name associated with the second origin server, second path information and a second file name with the second content object in the content store (See col. 5, lines 66-67 and col. 6, lines 1-15).

g. As per claim 26, Burns et al in view of Edwards et al teaches the claimed invention as described above. Furthermore, Burns et al teaches the first origin server selecting the first content object for loading in the content store from a plurality of content objects associated with the first origin server (See col. 8, lines 5-40).

h. As per claim 27, Burns et al in view of Edwards et al teaches the claimed invention as described above. Furthermore, Burns et al teaches the network is associated with a plurality of the content stores and the first origin server selects at least a one of the plurality of the content stores into which to load the first content object according to the relative churn rates of each of the plurality of the content stores (See col. 5, lines 66-67 and col. 6, lines 1-15).

i. As per claim 29, Burns et al in view of Edwards et al teaches the claimed invention as described above. Furthermore, Burns et al teaches wherein the first and second content objects are retained in the content store for a predetermined period of time (See col. 10, lines 59-65).

j. As per claim 30, Burns et al in view of Edwards et al teaches the claimed invention as described above. Furthermore, Burns et al teaches creating a catalogue of the content objects stored in the content store (See col. 6, lines 1-15).

5. Claims 4-5, 7, 12-13, 15, 20-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,275,496 to Burns et al in view of U.S. Patent No.6,591288 to Edwards et al, further in view of U.S. patent No. 6,405,240 to Tsubone et al as applied to claim 1 above and further in view of U.S. Patent No. 6,341,304 to Engbersen et al.

a. As per claims 4, 12 and 20, Burns et al in view of Edwards et al and further in view of

Tsubone et al teaches the claimed invention as described above. However, Burns et al in view of Wilson et al and further in view of Tsubone et al fails to teach wherein the waiting step comprises at least one of the following steps of waiting for: upstream bandwidth between the first origin server and the content store to fall below a predetermined threshold; and upstream bandwidth between the second origin server and the content store to fall below the predetermined threshold.

Engbersen et al teaches a data acquisition and distribution processing system. Furthermore, Engbersen et al teaches wherein the waiting step comprises at least one of the following steps of waiting for: upstream bandwidth between the first origin server and the content store to fall below a predetermined threshold; and upstream bandwidth between the second origin server and the content store to fall below the predetermined threshold (See col. 4, lines 5-29)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the waiting step comprises at least one of the following steps of waiting for: upstream bandwidth between the first origin server and the content store to fall below a predetermined threshold; and upstream bandwidth between the second origin server and the content store to fall below the predetermined threshold as taught by Engbersen et al further in view of Burns et al in view of Edwards et al and further in view of Tsubone in order to initiate the download of the requested items (See col. 4, lines 30-32).

b. As per claims 5, 13 and 21, Burns et al in view of Edwards et al and further in view of Tsubone teaches the claimed invention as described above. However, Burns et al in view of

Wilson et al and further in view of Tsubone fails to teach wherein the waiting step comprises a step of waiting for upstream bandwidth into the content store to fall below a predetermined threshold.

Engbersen et al teaches wherein the waiting step comprises a step of waiting for upstream bandwidth into the content store to fall below a predetermined threshold (See col. 4, lines 5-29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the waiting step comprises a step of waiting for upstream bandwidth into the content store to fall below a predetermined threshold as taught by Engbersen et al in the claimed invention of Burns et al in view of Edwards et al and further in view of Tsubone in order to initiate the download of the requested items (See col. 4, lines 30-32).

c. As per claims 7, 15 and 23, Burns et al in view of Edwards et al and further in view of Tsubone teaches the claimed invention as described above. However, Burns et al in view of Wilson et al and further in view of Tsubone fails to teach wherein the waiting step comprises a step of waiting for upstream bandwidth utilization from a client computer to the content store to fall below a predetermined threshold.

Engbersen et al teaches wherein the waiting step comprises a step of waiting for upstream bandwidth utilization from a client computer to the content store to fall below a predetermined threshold (See col. 4, lines 5-29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the waiting step comprises a step of waiting for upstream bandwidth utilization from a client computer to the content store to fall below a predetermined

threshold as taught by Engbersen et al in the claimed invention of Burns et al in view of Edwards et al and further in view of Tsubone in order to initiate the download of the requested items (See col. 4, lines 30-32).

5. Claims 6, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,275,496 to Burns et al in view of U.S. Patent No.6591288 to Edwards et al, further in view of U.S. patent No. 6,405,240 to Tsubone et al as applied to claim 1 above and further in view of U.S. Patent No. 6,775,828 to Feinleib et al.

a. As per claims 6, 14 and 22, Burns et al in view of Edwards et al and further in view of Tsubone fails to teach wherein the waiting step comprises a step of waiting for connection to the network.

Feinleib et al teaches a delayed uploading of user registration data. Furthermore, Feinleib et al teaches wherein the waiting step comprises a step of waiting for connection to the network (See col. 9, lines 20-29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the waiting step comprises a step of waiting for connection to the network as taught by Feinleib et al in the claimed invention of Burns et al in view of Edwards et al and further in view of Tsubone in order to upload the information (See col. 9, lines 27-29)

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,275,496 to Burns et al in view of U.S. Patent No.6,591288 to Edwards et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,341,304 to Engbersen et al.

a. As per claim 28, Burns et al in view of Edwards et al teaches the claimed invention as described above. However, Burns et al in view of Edwards fails to teach wherein the network is associated with a plurality of the content stores and the first origin server selects at least a one of the plurality of the content stores into which to load the first content object according to the upstream bandwidth between the first origin server and each of the plurality of content stores.

Engbersen et al teaches wherein the network is associated with a plurality of the content stores and the first origin server selects at least a one of the plurality of the content stores into which to load the first content object according to the upstream bandwidth between the first origin server and each of the plurality of content stores.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the network is associated with a plurality of the content stores and the first origin server selects at least a one of the plurality of the content stores into which to load the first content object according to the upstream bandwidth between the first origin server and each of the plurality of content stores as taught by Engbersen et al in the claimed invention of Burns et al in view of Edwards et al in order to initiate the download of the requested items (See col. 4, lines 30-32).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application No. 2004/0128618 to Datta teaches a dynamic page generation acceleration using component caching.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER